

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NOVSTAR SHIPPING AND MARINE  
SERVICES CO., LLC,

Plaintiff,

07 CV 3536 (GEL)

- against -

FORBES GOKAK LTD. a/k/a M/S FORBES  
GOKAK LTD.,

**ORDER TO SHOW CAUSE  
WHY RULE B ATTACHMENT  
SHOULD NOT BE VACATED**

Defendant.  
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Upon the declaration of Timothy Semenoro, Esq., the Exhibits annexed thereto, the accompanying Memorandum of Law and the pleadings and proceeding heretofore and had herein:

Let the Plaintiff NOVSTAR SHIPPING AND MARINE SERVICES CO., LLC (hereinafter "Novstar") show cause before the Honorable Gerard E. Lynch, United States District Judge, United States Courthouse, 500 Pearl Street, Courtroom 6B, New York, New York 10007, pursuant to Supplemental Rule E for Certain Admiralty and Maritime Claims and Local Admiralty and Maritime Rule E.1 (which provides for an adversary hearing on an attachment within three (3) court days) on the <sup>23<sup>RD</sup></sup> day of July, 2007, at 10 o'clock (a.m.) / p.m., why the following relief should not be granted:

1. An **ORDER** vacating the Order Directing Clerk to Issue Process of Maritime Attachment and Garnishment and the resulting Process of Maritime Attachment as to Defendant FORBES GOKAK LTD. (hereinafter "Forbes") on the basis that:

- (i) The attachment of Defendant Forbes' property is improper due to fact that Defendant Forbes has already provided the proper amount of security for Novstar's claim;
- (ii) The attachment of Defendant Forbes' property is improper due to the fact that both parties are already subject to the jurisdiction of and litigating the same issues before the High Court of Kerala in India; and
- (iii) Principles of international comity justify the attachment being vacated and the action dismissed.

2. An **ORDER** for such other and further relief as the Court may deem just and proper under the circumstances of this case.

Let service of a copy of this Order and supporting Declaration, Exhibits and Memorandum of Law, upon Messrs. Lennon, Murphy & Lennon, LLC, The GrayBar Building, 420 Lexington Avenue, Suite 300, NY, NY 10170, attorneys for the Plaintiff, on or before <sup>5</sup> ~~June 29~~ <sup>JULY 2</sup> 5 o'clock p.m. on ~~June 29~~, 2007 (service to be made either by fax or E-mail) be deemed good and sufficient service;

Answering papers, if any, including, but not limited to, affidavits, affirmations, declarations, exhibits and/or memorandum of law, shall be served so as to be received by counsel for the movant, Chalos, O'Connor & Duffy, LLP, at their offices at 366 Main Street, Port Washington, New York 11050 by either fax or E-mail on or before the <sup>9</sup> ~~11~~ day of July, 2007 at 3 pm;

Reply papers, if any, on behalf of the movant shall be served by fax or E-mail so as to be received by counsel for the Plaintiff at their offices, as described above, on or before the <sup>13</sup> ~~11~~ day of July, 2007.

Dated: New York, New York  
June 29, 2007

SO ORDERED:

  
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Hon. Gerard E. Lynch, U.S.D.J